

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02011  
Title: Universal Mount Luminaire

### REMARKS

Reconsideration of the above referenced application is hereby requested. Claims 1-23 remain pending in the present application.

### CLAIM OBJECTIONS

The Examiner has objected to Claims 10-16, 17, 18-23 as being incomplete for omitting essential structural cooperative relationships. Applicant's attorney has amended the claims to incorporate relevant structure between the fixture housing and the relevant recited structural elements. Applicant's attorney therefore respectfully requests the Examiner remove said rejections.

#### 35 USC § 102 Rejections

The Examiner has rejected Claims 1, 5 and 18 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,551,793. Applicant's attorney respectfully traverses the Examiner under this ground of rejection.

The Examiner has cited to the '793 patent as disclosing a road illumination luminaire for pole mounting. The Examiner has stated that the luminaire has a housing including a support arm and a mounting plate as is presently claimed in the pending claims of the present application. The '793 patent is directed towards a road illumination luminaire 1 which is mounted to a pole 2. As is apparent from the specification and from the drawings however, the luminaire 1 is mountable to the pole through a movable assembly member 4. The assembly member 4 receives the pole 2 within an aperture as is depicted in figure 1 and figure 2. The assembly member 4 is shown as being separable from the luminaire housing 1 and repositionable

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so that it can receive the end of the pole 2 from either a horizontal or a vertical direction. The Examiner has stated that the '793 reference discloses a mounting plate as previously claimed and has cited to the cover member 13 in the cited reference. However, the cover member 13 cited by the Examiner is a portion of the assembly member 4 which merely covers the unused aperture of the luminaire housing 1 as can be seen in both figure 1 and figure 2 as well as in figure 3 wherein the cover member 33 has been renumbered and covers unused aperture 35. There is absolutely no disclosure within the '793 reference for providing an integral support arm which can be vertically mounted utilizing a mounting plate as well as having an integral davit arm aperture for mounting in the proper horizontal plane to either the side of a vertical support pole or by receiving a davit arm within an aperture. In fact, the structure setforth in the '793 reference is incapable of mounting along a vertical plane to a support arm or the side of a vertical lighting support pole as is presently claimed. As all of the elements setforth in the claims rejected under 35 USC § 102 are not present in the currently amended and pending claims, applicant's attorney respectfully requests the Examiner remove said rejection.

### 35 USC § 103 Rejections

The Examiner has rejected Claims 2-4, 7-13, 15, 17 and 19-22 under 35 USC § 103(a) as being unpatentable over the '793 reference to Mellema in view of Taylor, U.S. Patent No. 4,426,676. Applicant's attorney respectfully traverses the Examiner under this ground of rejection.

The universal mount luminaire of the present invention as setforth in the pending claims provides the ability to attach the luminaire to both a davit arm or a vertical pole mount position.

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The luminaire provides the ability for receiving within a davit arm aperture the davit arm for davit arm mounting or may be directly affixed to the side of a vertical pole for vertical pole mounting. Such universal installation is a significant advantage over the prior art cited by the Examiner which only allow for pole insertion mounting. Thus, the universal mount luminaire presently claimed provides the ability to mount the luminaire universally across both the davit arm and vertical pole typical mounting positions.

None of the references cited by the Examiner provide the ability for mounting on a vertical pole as is available with the structure presently claimed while also mountable to a davit arm mounting position such that the davit arm is received within the support arm of the luminaire. The luminaire presently claimed is mountable by virtue of the mounting plate for vertical mounting which is affixed to the support arm and the integral davit arm aperture to both a davit arm horizontal mount position or a vertical pole mount as is depicted. None of the references cited by the Examiner provide such structure for universally mounting of a luminaire to both a horizontal and a vertical structure.

The '793 patent of Mellema, as set forth herein, merely receives a support pole from a vertical or horizontal position but is not mountable directly to a side wall of the support pole and does not provide sufficient structure to allow either a davit pole mount or a vertical mount through use of a mounting plate as is presently claimed. As is clearly seen in the '793 patent, particularly as is shown in figure 1 and figure 2, the assembly member 4 receives the support pole within an aperture and mounted at the end of the pole. There is no structure or mounting plate available for mounting of a support arm integral with the luminaire housing to the side of

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the support pole necessary for vertical mounting. Nothing within the Taylor reference, U.S.

Patent No. 4,426,676 aids in such lack of disclosure.

The '676 patent is directed towards a luminaire mounting which, as is clearly seen from the figures, allows the luminaire to be mounted along a davit arm as is presently shown. While the luminaire housing of the '676 patent provides for davit arm mounting, there is no disclosure in either the '676 patent or in the '793 patent, alone or in combination, which teaches or even remotely suggests the utilization of a mounting plate as is presently claimed, the mounting plate mountable to the side of a vertical lighting support pole as is presently claimed. Nothing within either of the references provide an integral support arm which allows for vertical and horizontal mounting, horizontal mounting through the use of a davit arm mount and vertical mounting through the use of a mounting plate directly affixed to the vertical side wall of a light support pole. Applicant's attorney therefore respectfully requests the removal of said rejections.

The Examiner has further rejected Claims 6, 14, 16 and 23 under Mellema and Taylor or Bilson, U.S. Patent No. 4,152,756. Applicant's attorney respectfully traverses the Examiner under this ground of rejection.

As stated herein, the universal mount luminaire of the present invention allows for mounting in both the horizontal and vertical plane, in the vertical plane directly to the side of a support pole. The Bilson reference, cited by the Examiner, is similar to the other cited references in that it provides for davit arm mounting through a davit arm aperture. Nothing within the Bilson reference provides for an integrated davit arm mount and vertical pole mount as is presently claimed. There is no structure setforth within the Bilson reference or setforth in either the Mellema reference or the Taylor reference alone or in combination which provides for the

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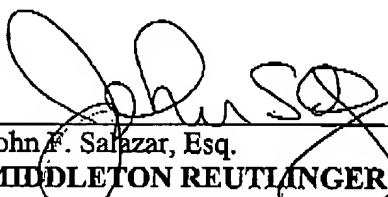
structure set forth in the pending claims. There is no disclosure for a support arm which is integral with a luminaire housing which has a mounting plate for vertical mounting and in combination with an integral davit arm aperture. None of the references cited by the Examiner teach alone or in combination such a structure. Applicant's attorney therefore respectfully requests the Examiner remove said rejection.

### CONCLUSIONS

After entry of the here enclosed amendments, the presently pending claims are readily distinguishable over the cited references provided by the Examiner. Applicant's attorney has responded directly to the rejections provided in the most recent office action and feels that the presently pending claims are allowable over the cited references. If however the Examiner feels that other issues remain pending which would prevent issuance of a notice of allowance, Applicant's attorney would respectfully request a collect call to discuss such issues.

Respectfully submitted,

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John F. Salazar, Esq.  
**MIDDLETON REUTLINGER**  
2500 Brown & Williamson Tower  
Louisville, Kentucky 40202  
(502)584-1135 phone, (502) 561-0442 fax  
email: jsalazar@middreut.com

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